

Gooch,  
Hightower,

Powers,  
Rainey,

Wynne.

NAYS—none.

NOT VOTING—2.  
Martin of Cooke,

Homan,

Senator Lane moved to call up the motion of Senator Homan to reconsider the vote adopting Senate resolution changing the order of business, etc. Adopted.

The motion to reconsider was adopted and the resolution recommitted to the Committee on Rules.

Senator Lightfoot for Judiciary Committee No. 1, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 17, 1881.

Hon. L. J. Storey President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 181, entitled "An act to amend the caption and section 3 of an act approved April 26, 1879, entitled 'an act granting a land certificate of 640 acres to each of the indigent veterans.'" etc., beg leave to report that they have carefully examined said bill, and believing it to be but just toward the old veterans whose valor won the independence of the Republic of Texas, and with it all of our vast public domain, that they should receive from the State in their declining years some recognition of their gallant services, we beg leave to report the accompanying substitute for Senate bill No. 181, granting to each of the surviving veterans and signers of the Declaration of Texas Independence, and the widows of such deceased veterans and signers, 1280 acres of land, and most respectfully recommend that it do pass.

LIGHTFOOT, for Committee.

Bill read first time.

The following House bills were taken up by the President and referred:

House bill No. 58, entitled "An act to encourage the destruction of wolves and Mexican lions." Referred to the Committee on Stock and Stockraising.

House bill No. 365, entitled "An act to amend sections 23 and 31, of an act entitled 'an act amendatory of and supplemental to an act entitled an act to consolidate in one act, and amend the several acts incorporating the city of Houston, in Harris county.'" Referred to Judiciary Committee No. 2.

House bill No. 385, entitled "An act to repeal an act to diminish the civil jurisdiction of the county court of Navarro county, and to conform the jurisdiction of the district court of said county to such changes, approved July 2, A. D. 1879." Referred to Judiciary Committee No. 1.

On motion of Senator Martin of Cooke, the Senate adjourned until 10 o'clock to-morrow morning.

### THIRTY-FOURTH DAY.

SENATE CHAMBER,  
AUSTIN, February 18, 1881. }

Senate met pursuant to adjournment; the President in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

On motion of Senator Martin of Navarro, the reading of the journals of yesterday was dispensed with, and the same adopted.

Senator Moore presented a petition of the citizens of Fayette county, Texas, asking the passage of an act by the Legislature to create two new counties. Referred to Committee on Counties and County Boundaries.

Senator Lightfoot presented a petition from the citizens of Lamar county, Texas, asking the Legislature to submit to the voters of the State a constitutional amendment prohibiting the sale, importation or manufacture of intoxicating liquor as a beverage in the State of Texas. Referred to Committee on Constitutional Amendments.

Also, a petition of 151 citizens of North Texas, asking the Legislature to repeal the "Bell Punch" act, and in lieu thereof, to enact a law holding the vendors of spirituous liquors responsible in damages, and require a bond therefor. Referred to Finance Committee.

Senator Davenport introduced a bill to be entitled "An act to amend chapter 5, title 22, of the Revised Civil Statutes of the State of Texas, adopted by the Sixteenth Legislature, by adding article 694a." Referred to Judiciary Committee No. 1.

Senator Ross introduced a bill to be entitled "An act to amend an act entitled 'an act to amend section 46 of an act to encourage stockraising and for the protection of stockraisers, approved August 23, 1876;' approved April 22, 1879." Referred to Committee on Stock and Stockraising.

Senator Houston presented the following invitation from the city council of San Antonio:

MAYOR'S OFFICE, CITY OF SAN ANTONIO, }  
February 16, 1881. }

I hereby certify that at a regular meeting of the city council of the city of San Antonio, held on the fifteenth day of February, 1881, the following resolution was unanimously passed, viz:

It having come to the knowledge of the city council of San Antonio that many of the members of the Legislature, now in session in the city of Austin, are desirous of visiting the Alamo City, and the International railroad having been completed between the two cities, affording quick and direct communication by rail; therefore be it

Resolved, That the members of the Legislature, now in session at Austin, be and are respectfully invited to visit the city of San Antonio at such time as may suit their convenience, and that our members of the House of Representatives and our Senator be requested to extend a cordial invitation to them in the name of the citizens of San Antonio.

To certify which I hereunto sign my name and affix the seal of the [L. S.] city of San Antonio, the date first above written.

THEO. BALDUS, City Clerk.

Senator Weatherred, chairman of Committee on Judicial Districts, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 18, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Judicial Districts, to whom was referred Senate bill No. 30, entitled "An act to create the Thirty third Judicial District, prescribing the times of holding the district courts therein and providing for the appointment of a district judge and district attorney for said district;" and also Senate bill No. 70, entitled "An act to reorganize the Seventeenth Judicial District of the State of Texas, and to fix the time of holding courts therein," have duly considered the same, and instruct me to report the bills back, with the accompanying substitute, and to recommend that the substitute do pass.

WEATHERRED, Chairman.

Bill read first time.

Senator Cooper introduced a bill entitled "An act to amend an act prescribing the times of holding the district courts in the First Judicial District, and regulating the return of process therein." Referred to Committee on Judicial Districts.

Also, a bill to be entitled "An act to repeal 'an act for the better protection of timber and lumber,' approved April 7, A. D. 1879." Referred to Judiciary Committee No. 2.

On motion of Senator Duncan, the regular order of business was postponed twenty minutes, and Senate bill No. 52, "An act to regulate the practice of medicine, surgery and pharmacy, and to repeal chapter 3 of the Penal Code," was taken up and read second time, with committee amendments, eight in number, which were acted on separately, and adopted.

Senator Duncan moved that the bill be postponed and made special order for Monday next, February 21, and that 200 copies be printed. Withdrawn.

Senator Hightower offered the following amendment:

Amend section 2, in line 11, by striking therefrom the word "ten," and inserting in lieu thereof the word "five." Adopted.

Senator Burges offered the following amendment:

*Provided*, that this act shall not render any doctor of medicine liable to punishment, who does not practice medicine or surgery for pay, who, in case of emergency or need, when no one qualified under this act can be had, administers to the sick or renders surgical aid to those who need it."

Adopted.

Senator Powers offered the following amendment:

Amend by inserting in section 6, before the word "chartered" the word "regularly," and between the words "chartered" and "institution" insert the word "accredited," and by adding to section:

*Provided*, that nothing in this act contained shall prevent any physician authorized to practice his profession by the provision hereof, from compounding and preparing his own prescriptions.

Adopted.

Senator Wynne moved to amend by striking out the word "twenty" in line 32, section 5, page 2, and insert "ten," and by striking out the word "ten" in line 2, page 3, section 5, and insert "five." Adopted.

Senator Duncan renewed his motion to postpone the bill till Monday next, and make it special order for that day, and that one hundred copies be printed. Adopted.

Senator Powers moved that the regular business be further suspended and take up Senate bill 125, "An act to authorize and require the Commissioner of the General Land Office to issue a patent on certificate No. 291 to the Mexican Telegraph Company." Adopted, and bill taken up and read second time.

(Senator Terrell in the chair.)

Bill ordered engrossed.

Senator Burton moved a further suspension of the rules to put bill on third reading, which was adopted by the following vote:

YEAS—21.		
Buchanan of Grimes	Houston,	Powers,
Burges,	Lair,	Rainey,
Burton,	Lane,	Ross,
Cooper,	Lightfoot,	Stubbs,
Davenport,	Martin of Cooke,	Terrell,
Duncan,	Martin of Navarro,	Weatherred,
Hightower,	Moore,	Wynne.
NAYS—none.		
NOT VOTING—3.		

Gooch, Stewart, Swain.

Bill read third time and passed by the following vote:

YEAS—21.		
Buchanan of Grimes	Houston,	Rainey,
Burges,	Lair,	Stewart,
Burton,	Lane,	Stubbs,
Cooper,	Lightfoot,	Swain,
Davenport,	Martin of Navarro,	Terrell,
Duncan,	Moore,	Weatherred,
Hightower,	Powers,	Wynne.
NAYS—none.		
NOT VOTING—3.		

Gooch, Martin of Cooke, Ross.

(President in the chair.)

Senator Buchanan of Grimes, chairman of Committee on Engrossed Bills, by leave, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 18, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined Senate bill No. 88, entitled "An act to validate certain acts of notaries public who have used seals with the word 'Texas' engraved between the points of the star thereon, instead of around the margin thereof;" and Senate bill No. 181, "An act to prescribe the times of holding the district courts in the counties of the Thirteenth Judicial District," and find said bills correctly engrossed.

BUCHANAN of Grimes, Chairman.

Senator Burges moved to suspend the rules and take up substitute for Senate bills Nos. 70 and 30, entitled "An act to establish the Twelfth, Fourteenth, Seventeenth, Twentieth, Thirtieth and Thirty-third Judicial Districts, prescribing the times of holding the courts therein; to provide for the appointment of a district attorney in the Twentieth, and a district judge in the Thirty-third Judicial District, and to provide for holding terms of the district courts in certain counties now unorganized." Adopted.

Substitute taken up, read second time and ordered engrossed.

On motion of Senator Terrell, rules were suspended and bill put on third reading by the following vote:

YEAS—23.		
Buchanan of Grimes	Lair,	Rainey,
Burges,	Lane,	Ross,
Burton,	Lightfoot,	Stewart,
Cooper,	Martin of Cooke,	Stubbs,
Davenport,	Martin of Navarro,	Terrell,
Duncan,	Moore,	Weatherred,
Hightower,	Powers,	Wynne.
NOT VOTING—2.		

Gooch,

Swain.

On motion of Senator Terrell, the bill was postponed and made special order for Wednesday next after morning call.

On motion of Senator Burton rules were further suspended, and Senate bill No. 35, "An act to amend chapter 130 of the acts of 1879, entitled 'an act to amend section 46 of an act to encourage stockraising and for the protection of stockraisers,'" was taken up, read second time, and ordered engrossed.

The President then laid before the Senate the following report from the Comptroller, which was read by the Secretary:

COMPTROLLER'S OFFICE, }  
AUSTIN, TEXAS, February 18, 1881. }

Hon. L. J. Storey, President of the Senate:

SIR—In response to a resolution of the honorable Senate, to-wit:

*Resolved by the Senate*, That the Comptroller of Public Accounts is respectfully requested to furnish for the information of the Senate a statement of the net revenue of the State government for the year 1879, on assessments and occupation for the year 1879, with the principal sources of such revenue, and also the expenses and disbursements of the State government for the year 1879, confining the statement to the expenses of the State government incurred and proper for that year only;

I have the honor to hand you the following tables, giving the information requested in the resolution:

*Statement showing the Net Revenue of the Government for the Fiscal Year ending August 31, 1880, from assessments and occupation.*

Amount received during the years 1879-80 on the assessment of 1879.....	\$1,097,364 32
Receipts from revenue poll tax 1879-80.....	146,047 70
Occupation taxes collected in the counties.....	263,506 65
Occupation taxes collected in Comptroller's office.....	103,534 09
Collections under bell punch act.....	\$322,447 40
Less amount paid to counties.....	97,980 30
Total for the year 1879-80.....	224,467 10
	—\$1,834,918 86

*Statement showing the Expense of the Government for 1879-80 proper for that year only.*

Warrants drawn for the actual expenses of the government for the years 1879-80.....	\$1,145,063 83
Registered deficiencies for the same year for which there is no appropriation.....	5,902 43
Total.....	—\$1,150,966 26
If the amount of the revenue given to the public free schools, viz.....	\$340,377 35
And the amount paid out as a sinking fund on the public debt, viz.....	193,200 00—
Be considered a part of the expense of that year, we have the total expenses proper for the year 1879-80.....	\$638,577 35
	\$1,084,543 61

It will be observed that the statement showing the amount received during the year 1879-80, belonging properly to that year, gives only the receipts from the assessments and the occupation taxes, whereas there are other classes of receipts which may be properly embraced in the annual revenues; such as office fees from the several departments, which, for the year 1879, amounted to \$74,060.73; also receipts from the tax on the gross receipts of railroad, steamboat and stage-coach passenger travel; and from the tax on messages sent by tel.

graph companies—from which several sources the receipts for the year 1879-80 amounted to \$13,119.35.

It may be proper to call attention to the fact that at the close of any given year, the whole amount of the revenue for that year is not actually in hand. Considerable amounts collected about the close of the year do not reach the treasury until after the beginning of a new year, hence fail to appear in the receipts for the year in which the collection was made. For instance, during the year 1879-80 there was received of the assessments of prior years, \$289,117.06.

The resolution, in its literal terms, calls for a statement of receipts and expenses for the "year 1879," for which the exact figures cannot readily be given. The foregoing statements embrace the fiscal year 1879-80, ending August 31, 1880, as affording, in the most satisfactory form, the information desired.

Very respectfully,  
W. M. BROWN, Comptroller.

On motion of Senator Martin of Cooke, regular order was postponed and Senate bill No. 153, "An act to amend article 2076 and 2077, title 37, chapter 22, of the Revised Civil Statutes, and providing for the advertising of public judicial sales of real estate," was taken up and read second time with committee amendments, four in number.

At the request of Senator Martin of Navarro, the amendments were acted on separately and adopted in succession.

Senator Wynne offered to amend the bill by adding the following:

*Provided*, that such advertisement shall be published in the local columns of newspapers publishing the same.

Adopted.

Senator Powers moved to reconsider the vote adopting the fourth committee amendment.

No quorum voting.

Roll called—Senator Burges absent.

Sergeant-at-arms was dispatched for the absent Senator. Senator Burges appearing, motion to reconsider lost by the following vote:

YEAS—7.		
Buchanan of Grimes	Lane,	Powers,
Burges,	Martin of Navarro,	Terrell.
Davenport,		
NAYS—16.		
Burton,	Lair,	Stewart,
Cooper,	Lightfoot,	Stubbs,
Duncan,	Moore,	Swain,
Gooch,	Rainey,	Weatherrod,
Hightower,	Ross,	Wynne.
Houston,		
NOT VOTING.		
Martin of Cooke.		

Senator Swain offered the following amendment.

*Provided*, that where the notice of sale is published in a newspaper, the sheriff shall also post notices in three public places in the county as now provided by law.

Adopted.

Senator Martin of Cooke, moved to reconsider the vote adopting the amendment of Senator Swain. Adopted, when the Senator moved to withdraw his amendment. Adopted and amendment withdrawn.

Senator Gooch offered the following amendment. Add to the section:

*Provided*, that when any such real estate shall have been sold, the owner shall have the right at any time within one year from the date of the officer's deed to it, to redeem the same by tendering or paying the purchase price, with twenty per centum added, to the purchaser, or those claiming under such deed.

Senator Burges offered to amend the amendment as follows:

*Provided*, that the purchaser is the execution creditor.

Senator Duncan moved the previous question on the bill and amendments. Motion seconded and main question ordered.

Senator Burges' amendment to the amendment of Senator Gooch was adopted.

Senator Gooch's amendment was then adopted by the following vote:

YEAS—12.		
Cooper,	Houston,	Ross,
Duncan,	Lair,	Stubbs,
Gooch,	Powers,	Weatherrod,
Hightower,	Rainey,	Wynne.
NAYS—11.		
Buchanan of Grimes,	Lightfoot,	Stewart,
Burges,	Martin of Cooke,	Swain,
Davenport,	Martin of Navarro,	Terrell.
Lane,	Moore,	
NOT VOTING—1.		
Burton.		

The bill was then ordered engrossed by the following vote:

YEAS—12.		
Burges,	Lightfoot,	Stubbs,
Davenport,	Martin of Cooke,	Swain,
Gooch,	Martin of Navarro,	Terrell,
Hightower,	Ross,	Wynne.
NAYS—11.		
Buchanan of Grimes	Duncan,	Lair,
Cooper,	Houston,	Lane,
Moore,	Rainey,	Weatherrod.
Powers,	Stewart,	
NOT VOTING—1.		
Burton,		

Senator Rainey offered the following concurrent resolution, viz:

*Resolved*, by the Senate, the House concurring, That the Senate and House of Representatives, on Monday, the twenty-first instant, at 12 o'clock M., do adjourn until Wednesday, the twenty-third instant, at 11 o'clock A. M., for the purpose of permitting members of the Legislature who wish to do so, to celebrate the twenty-second, which is a legal holiday, by accepting the invitation of the citizens and City Council of the city of San Antonio to visit said city.

Senator Burges moved to amend the resolution of Senator Rainey, as follows: "On the adjournment of the Senate on Saturday, the nineteenth instant, the same stand adjourned till Wednesday, the twenty-third instant, at 11 o'clock A. M." Withdrawn.

The resolution was then voted, and lost.

Senator Stubbs entered a motion to reconsider the vote just taken.

Senator Houston, for Committee on Rules, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 18, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Rules have had under consideration Senate resolution No. —, and I am directed by the committee to report the same back to the Senate with the accompanying substitute, and recommend that such substitute be adopted.

HOUSTON, for committee.

#### SUBSTITUTE OF COMMITTEE.

*Resolved*, That on and after next Monday that there shall be a morning and evening session of the Senate, on each day.

Sec. 1. That during the morning session the regular business shall proceed as prescribed by the rules, and that no motion to suspend the rules, in order to take up a bill, shall be entertained; and no special orders made in regard to fixing a particular time for the consideration of any bill or resolution; *provided*, that this rule shall not apply to bills for raising revenue, or appropriation acts for the support of the government or schools, nor to joint resolutions proposing to amend the Constitution.

Sec. 2. That in the afternoon session the Senators' names shall be called in alphabetical order, and when a Senator's name shall be called, he shall have the right to call up a bill and have the same considered; and should the Senate adjourn upon the consideration of such bill, it shall be the first business for disposition on the next succeeding evening session.

The calling of the roll shall on each day begin with the name next after the last one called on the last preceding day.

On motion of Senator Lane, the report and substitute of the committee were adopted.



Senator Stubbs called up his motion to reconsider the vote by which the resolution of Senator Rainey was lost. Resolution reconsidered and adopted.

Senator Stubbs introduced a bill to be entitled "An act to amend articles 559 and 561 of the Revised Civil Statutes, making them applicable to personal as well real estate." Referred to Judiciary Committee No. 1.

Also, a bill to be entitled "An act to prohibit and punish smoking, and the use of fire, except for necessary purposes, on cars, vessels, and other places where cotton is loaded or stored." Referred to Judiciary Committee No. 1.

On motion of Senator Duncan, the Senate adjourned until 10 A. M. to-morrow.

### THIRTY-FIFTH DAY.

SENATE CHAMBER, }  
AUSTIN, February 19, 1881. }

Senate met pursuant to adjournment; the President in the chair.

Roll called; quorum present.

Prayer by Rev. Mr. Brown, Chaplain of the House.

On motion of Senator Burges, the reading of the journal of yesterday was dispensed with, and the same adopted.

On motion of Senator Davenport, Senator Terrell was excused for the day.

On motion of Senator Ross, Senator Moore was excused, on account of sickness.

Senator Cooper presented a petition, signed by citizens of Polk county asking that the Legislature pass an act submitting to the people a constitutional amendment prohibiting the sale or manufacture of intoxicating liquors within her borders. Referred to Committee on Constitutional Amendments.

Senator Powers, chairman of the Free Conference Committee, appointed on the difference between the two houses on House bill No. 51, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 18, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Free Conference, appointed to confer upon House bill No. 51, entitled "An act to diminish the civil and criminal jurisdiction of the county courts of Henderson, Parker, Lampasas, Blanco and Bexar counties, conform the jurisdiction of the district and justices' courts of said counties to such change," have had the same under consideration, and find that on the fourth day of February, instant, the Senate made an amendment to said bill by adding the following counties to the original number contained in said bill, as follows: Add after the word "Bexar," wherever it occurs in the bill or caption, the words "and Bandera, Wharton, San Patricio, Live Oak, McMullen, Medina, Frio, Dimmitt, La Salle, Hidalgo, Starr, Zapata, Duvall and Burnet;" strike out the word "and," before the word "Bexar," wherever it occurs.

That on the fourteenth day of February, instant, the Senate made another amendment to said bill by adding the following counties to the original number contained therein, as follows: Amend by adding the counties of "Kimble, Nueces, Gillespie, Kendall, Austin, Uvalde."

That the House of Representatives, on the sixteenth day of February, instant, refused to concur in said amendments, whereupon your Committee of Free Conference was appointed.

Your committee, in considering the differences between the two houses on the said bill, do recommend that the Senate recede from so much of their amendments as include the counties of San Patricio, Live Oak and Austin, and that the counties of Wheeler and Oldham be added to the list of counties included in said bill, and that the caption of same be amended to conform thereto, and that the House of Representatives concur in these amendments.

Respectfully submitted,

S. POWERS, Chairman.  
A. W. HOUSTON,  
A. W. TERRELL,  
Senate Committee.  
J. J. FAULK, Chairman.  
D. T. MARR,  
SOLON STEWART,  
House Committee.

On motion of Senator Houston the report was adopted.

Senator Stewart introduced a bill entitled "An act to provide for having the products of Texas represented at the World's Fair, to be holden in the city of New York, in the year A. D. 1883, and appropriate money therefor." Referred to Committee on State Affairs.

Also, a bill "to create the office of State Register, and to define the duties, powers and compensation of such office." Referred to the Committee on State Affairs.

Senator Hightower introduced a bill entitled "An act to amend article 358 of chapter 3 of the Penal Code of the State of Texas." Referred to Judiciary Committee No. 2.

Senator Lane moved to postpone the regular order of business, to take up Senate bill No. 102. Withdrawn.

First special order, Senate bill No. 108, entitled "An act to amend articles 344, 346 and 357, title 17, of the Revised Civil Statutes of the State of Texas, relating to cities and towns," was taken up.

Senator Gooch offered the following amendment:

Sec. 2. The passage of this act shall not operate to affect the organization of any city or town already chartered by general or special charter, nor to require any new election of the officers of such chartered cities or towns.

Sec. 3. To render more certain the term of office of mayors of cities and towns of one thousand inhabitants and over, under the general charter law, it is declared that at the first election under the charter, the mayor shall be elected for one year; in all subsequent elections, he shall be elected for two years.

Amendment adopted and bill ordered engrossed.

Senator Buchanan of Grimes, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 18, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have examined Senate bill No. 35, "An act to amend chapter 130 of the acts of 1879, entitled 'an act to amend section 46 of an act to encourage stockraising and for the protection of stockraisers,'" and find the same correctly engrossed.

BUCHANAN of Grimes, Chairman.

Senator Swain introduced a bill entitled "An act to authorize the Governor, State Treasurer and Superintendent of the penitentiary, to contract for conveying convicts from the counties where sentenced to the penitentiary. Referred to Committee on Penitentiaries.

Senator Lightfoot offered the following resolution:

Resolved, That the Committee on Public Printing be authorized and requested to examine into the printing and sale of the Texas Supreme Court and Court of Appeals Reports, and see if the same cannot be printed and sold for \$8.50 per volume, or at some other reasonable price; and if they deem it proper, to report a bill upon that subject.

Adopted, on motion of Senator Lane.

On motion of Senator Lane, the regular order of business was further postponed and Senate bill No. 102, "An act making an appropriation for the support of the State government for the years beginning March 1, 1881, and ending February 28, 1883," was taken up, read second time, with committee substitute, and substitute adopted.

On motion of Senator Houston, the bill was considered by subjects.

Senator Stubbs moved to amend, in Treasury Department, line 2, by inserting \$2000 instead of \$1500; and in line 4, insert \$1800 instead of \$1500, for both years.

On motion of Senator Lightfoot the question was divided. Senator Houston moved the previous question on pending amendment. Motion seconded and main question ordered.

The first division of the amendment was then lost by the following vote: